

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

LUIS DUARTE ,

Petitioner,
v.

REED A. RICHARDSON,

Respondent.

ORDER

Case No. 15-cv-682-jdp

Petitioner Luis Duarte seeks a writ of habeas corpus pursuant to 28 U.S.C. § 2254. Petitioner has neither paid the \$5 filing fee nor requested leave to proceed without prepayment of the filing fee. For this case to move forward, petitioner must pay the \$5 filing fee or submit a properly supported motion for leave to proceed without prepayment of the filing fee no later than November 9, 2015. Federal law does not permit a court to waive a prisoner's entire obligation to pay filing fees, but it does allow a qualifying individual to proceed without prepaying some or all of the filing fee. To determine whether petitioner qualifies as indigent, any motion for leave to proceed without prepayment of the filing fee must include a certified copy of an inmate trust fund account statement (or institutional equivalent) for the six-month period beginning approximately April 20, 2015 through the date of the petition, October 20, 2015.

ORDER

IT IS ORDERED that:

1. Petitioner Luis Duarte may have until November 9, 2015, to pay the \$5 filing fee or submit a properly supported motion for leave to proceed without prepayment of the filing fee.

2. If petitioner does not submit either the \$5 payment or a motion for leave to proceed without prepayment before November 9, 2015, I will assume that petitioner wishes to withdraw this action voluntarily and will dismiss the petition without further notice.

Entered this 23rd day of October, 2015.

BY THE COURT:

/s/
PETER OPPENEER
Magistrate Judge